

Panaji, 20th May, 1982 (Vaisaka 30, 1904)

SERIES II No. 8

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

Order

No. HD-G-43-14/76

In exercise of the powers conferred by rule 4 of the Arms Rules, 1962, the Administrator of Goa, Daman and Diu hereby specially empowers the District Magistrate, Goa; the District Magistrate, Daman; and the District Magistrate Diu to exercise the powers of the Licensing Authority and the Renewing Authority within their respective jurisdiction for the purposes specified in column 2 in respect of the Arms and Ammunitions specified in column 3 in item No. 12 of schedule II to the said Rules.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 6th May, 1982.

Order

No. HD(G)/CFEPSA/21/74/1

In exercise of the powers conferred by clause (a) of section 8 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974) and in continuation of the Government order of even number dated 14-10-1981, the Administrator of Goa, Daman and Diu hereby nominates Shri Antonio Orlando Pinto Soares, Civil Judge, Senior Division and Additional Sessions Judge, Margao as a member of the Advisory Board constituted for the purposes of the said Act, during the leave period of Dr. Alvaro de Noronha Ferreira, District and Sessions Judge, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 14th May, 1982.

Works, Education and Tourism Department

Order

No. 8/11/77-WET

Read:— Government order No. 8/11/77-WET dated 17/11/80.

Sanction of the Government is hereby accorded to the extension of the deputation period on foreign service terms of Shri A. D. Nachinolkar, Assistant Engineer Sub. Div. IV,

Works Division IV of P.W.D. as Engineer Incharge (Maintenance) for the Kala Academy Complex on the establishment of Kala Academy with effect from 20/3/82 to 3/5/82 (A.N.) in accordance with terms and conditions of Government of India, Ministry of Finance (Department of Expenditure) O. M. No. F. 10(24)/E. III/60 dated 4/5/1961 as amended from time to time.

On expiry of his extension of deputation period his services stand reverted to his parent Department.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. D. Vengurlekar, Planning Officer.

Panaji, 12th May, 1982.

Notification

No. 9-2-81-WET

The Administrator of Goa, Daman and Diu is pleased to change the nomenclature of "Directorate of Archives" as "Directorate of Archives, Archaeology and Museum" and its Head of Office/Department as "Director of Archives, Archaeology and Museum" with immediate effect.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. D. Vengurlekar, Planning Officer.

Panaji, 14th May, 1982.

Local Administration and Welfare Department

Notification

No. 10-10-82-LAWD/SUB-MARKET

Whereas by Government Notification No. CDE/COOP/1171/68 dated the 23rd April, 1969 and No. CDE/COOP/1181/68-69/70-71/2965/3328 dated 18-4-1974 issued under sub-section (1) of Section 4 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, as applicable to the Union Territory of Goa, Daman and Diu, the Administrator of Goa, Daman and Diu was pleased to declare the regulation of marketing of agricultural produce namely (1) Coconut (2) Betelnut (3) Cashewnut (4) Banana (5) Pineapple in the District of Goa as market area;

Now, therefore in exercise of the powers conferred by sub-section (2) of Section 5 of the aforesaid Act, the Administrator of Goa, Daman and Diu is hereby pleased to declare that the following locality in the market area shall comprise "Sub-market yard" at Mapusa and "Market Proper" for the said sub-yard from the date of issue of this Notification.

LOCALITY

1. "Sub-Market yard" at Mapusa:—

The place of land admeasuring 20,514 sq. metres owned by the Goa Agricultural Produce Market Committee, Margao as

shown under Chalta No. 1 of P. T. Sheet No. 163 of Mapusa Village and bounded as follows:—

North: Mapusa Municipal Market.

South: Paddy field under P. S. No. 4 Sheet 169, P. S. No. 6 of Sheet No. 163 and P. S. No. 4 of Sheet No. 163 and Nala.

East: Paddy field under P. S. No. 499 of Sheet No. 156, P. S. No. 1 and 4 of Sheet No. 163.

West: Paddy field under P. S. No. 4 and 3 of Sheet No. 162.

With all the buildings and structures erected and to be erected thereon.

2. "Market Proper" for "Sub-market yard" at Mapusa:—

Whole of Bardez Taluka.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue).

Panaji, 7th May, 1982.

Revenue Department

Notification

No. 22/96/81-RD

Whereas by Government Notification No. 22/96/81-RD dated 21-8-81 published on page 215 & 216 of Series II, No. 23 of the Official Gazette, dated 4-9-81 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of Staff Quarters & Stocking Steel pipes for Underground Drainage Scheme at Gogal, Margao.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after consi-

dering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, PWD-Cell Altinho Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, PWD-Cell Altinho, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	P. T. S. No.	Chalta No.	Names of the persons believed to be interested	Approximate area, in sq. mts.
1	2	3	4	5	6	7
	Salcete	Gogal Margao	91	17/1	O: Comunidade. T: Victor Rodrigues.	741.00
	— do —	— do —	91	17/2	O: Comunidade. T: Rosario Gomes.	895.00
	— do —	— do —	91	17/3	O: Comunidade. T: Victor Rodrigues.	2504.00
	— do —	— do —	91	17/4	O: Comunidade. T: Pedro Rodrigues.	305.00
	— do —	— do —	91	17/5	O: Comunidade. T: Rosario Gomes.	726.00
	— do —	— do —	91	17/6	O: Comunidade. T: Pedro Rodrigues.	374.00
	— do —	— do —	91	17/7	O: Comunidade. T: Pedro Rodrigues.	1634.00
	— do —	— do —	91	17/8	O: Comunidade. T: Rosario Gomes.	1602.00
	— do —	— do —	91	17/9	O: Comunidade. T: Victor Rodrigues.	1525.00
	— do —	— do —	91	17/10	O: Comunidade. T: Pedro Rodrigues.	1538.00
	— do —	— do —	91	17/11	O: Comunidade. T: Rosario Gomes.	1508.00
	— do —	— do —	91	17/12	O: Comunidade. T: Victor Rodrigues.	393.00
	— do —	— do —	91	17/13	O: Comunidade. T: Pedro Rodrigues.	417.00
	— do —	— do —	91	17/14	O: Comunidade. T: Rosario Gomes.	550.00
	— do —	— do —	91	17/15	O: Comunidade. T: Victor Rodrigues.	960.00
	— do —	— do —	91	17/16	O: Comunidade. T: Pedro Rodrigues.	1212.00
	— do —	— do —	91	17/17	O: Comunidade. T: Rosario Gomes.	987.00
	— do —	— do —	91	17/18	O: Comunidade. T: Victor Rodrigues.	1066.00

1	2	3	4	5	6	7
	Salcete	Gogal Margao	91	17/19	O: Comunidade. T: Pedro Rodrigues.	1050.00
	— do —	— do —	91	17/20	O: Comunidade. T: Rosario Gomes.	1188.00
	— do —	— do —	91	17/21	O: Comunidade. T: Pedro Rodrigues.	145.00
	— do —	— do —	91	17/22	O: Comunidade. T: Rosario Gomes.	123.00
	— do —	— do —	91	17/23	O: Comunidade.	186.00
Boundaries:						
North: Chalta No. 13, 14 & P.T. Sheet No. 91, Road & Nala.						
South: Chalta No. 16 and P.T. Sheet No. 91, Road & Nala.						
East: Chalta No. 16 & P.T. Sheet No. 91, Chalta No. 6, P.T. Sheet No. 90.						
West: Road and Nalla.						
Total						21629.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 6th April, 1982.

Notification

No. 22/43/81-RD

Whereas by Government Notification No. 22/43/81-RD dated 3-8-81 published on page 208 & 209 of Series II, No. 22 of the Official Gazette, dated 27-8-81 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for construction of Curve on Curchorem-Tilamol road at Quepem.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A

of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, PWD Cell, Altinho Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, PWD Cell, Altinho-Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Quepem	Sirvoi	—	25/13 (Part)	H: Shri Jose Bernard Souza. H: Abel D'Souza.	710.00
	— do —	— do —	—	28/1 (Part)	H: Shri Jose Bernard Souza. T: Quistod Claimet.	60.00
	— do —	— do —	—	29/1 (Part)	H: Shri Jose Bernard Souza.	258.00
	— do —	— do —	—	29/2 (Part)	H: Shri Jagu Vaman Sinai Navelkar. T: Mateus C. A. D'Silva.	530.00
	— do —	— do —	—	29/3 (Part)	H: Shri Jose Bernard Souza.	75.00

North: Road, S. No. 29/1 Part, S. No. 136/12 Part, S. No. 123/2 Part, S. No. 122 Part, S. No. 121/244 Parts.
South: S. No. 25/13 Part, S. No. 28/1 Part, Road.
East: Road, Village Boundary of Sheldem.
West: S. No. 25/13 Part, Road.

1	2	3	4	5	6	7
Quepem	Sheldem	—	123/2 (Part)	H: Hari Kurade.		700.00
				North: S. No. 123/2 Part, S. No. 122 Part, S. No. 121/4 & 2 Part, Road. South: Road. East: Road. West: S. No. 123/2 Part, S. No. 122 Part, S. No. 121/2, 4 Parts.		
—do—	—do—	—	122 (Part)	H: 1. Jose Francisco Furtado. 2. Bernard Furtado. 3. Maria Furtado. 4. Rui Furtado. 5. Shilva Furtado.		928.00
—do—	—do—	—	121/4 (Part)	H: 1. Jose Francisco Furtado. 2. Bernard Furtado. 3. Maria Furtado. 4. Rui Furtado. 5. Shilva Furtado.		140.00
—do—	—do—	—	121/2 (Part)	T: Issub Khan. H: 1. Jose F. Furtado. 2. Bernard Furtado. 3. Maria Furtado. 4. Rui Furtado. 5. Shilva Furtado.		70.00
—do—	—do—	—	136/12 (Part)	H: Abilio Souza.		80.00
—do—	—do—	—	124/11 (Part)	H: 1. Laxikant D. N. Karmali. 2. Bhasker D. N. Karmali. 3. Narendra D. N. Karmali.		15.00
Total						3566.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 6th April, 1982.

Notification

No. RD/LQN/15/79

Whereas by Government Notification No. RD/LQN/15/79 dated 2-3-1981 published on page 748 of Series II, No. 51 of the Official Gazette, dated 19-3-81 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. For construction of Tank and bund for irrigation at Mandrem.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector, Goa North Division, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Deputy Collector, Goa North Division, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1	Pernem	Mandrem	1	99 (Part)	Raghuraj V. Deshpabhu Boundaries: North: Survey No. 99. South: —do— East: —do— West: —do—	13615.00
Total						13615.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 12th May, 1982.

Notification

No. RD/TNC/BND/280/67-III

In conformity with the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, Government hereby specify the bunds mentioned in the schedule appended hereto as protective bunds for the purpose of this proviso:—

SCHEDULE

Sr. No.	Name of bund	Village	Taluka	Approximate area protected (in Hectares)	Description of the bund
1	2	3	4	5	6
1.	Goltim Bund (Internal)	St. Matias	Tiswadi	180 Ha.	The bund (internal) starts from the paddy field Goltim situated at Piedade of Tiswadi Taluka and runs perpendicular to the River Mandovi. It lies in between the Paddy field Goltim and Illir at Navelim of Tiswadi Taluka ending with the same paddy field Goltim situated at Piedade of Tiswadi Taluka.
2.	Cantorlacho Bund	Moirá	Bardez	20 Ha.	The bund starts with the paddy field "Cantorlacho Bund" belonging to the Comunidade of Ucassaim and is situated at Moira, Bardez and ends with the same paddy field, and runs marginal to the creek of river Mapusa.

By order and in the name of Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 4th May, 1982.

Public Health Department

Order

No. 5/97/79-PHD-MOs

On the recommendation of the Local Selection Committee Dr. Anthony Pereira is appointed on ad-hoc basis to the post of Medical Officer under the Directorate of Health Services, Panaji and posted at Primary Health Centre, Sanguem against the vacant post with immediate effect on the terms and conditions contained in Government Memorandum of even number dated 27/2/1982. Dr. Anthony Pereira should report to his place of posting immediately.

The appointment is however, subject to the verification of character and antecedents.

The officer has already been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 14th May, 1982.

Order

No. 5/97/79-PHD/M.Os.

On the recommendation of the Local Selection Committee Dr. Freddie Vincente Ferrao is appointed on ad-hoc basis to the post of Rural Medical Officer under the Directorate of Health Services, Panaji and posted at Rural Medical Dispensary, Collem against the vacant post with immediate effect on the terms and conditions contained in Government Memorandum of even number dated 12-4-1982. Dr. Ferrao should report to his place of posting immediately.

The appointment is however, subject to the verification of character and antecedents.

The officer has already been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 30th April, 1982.

Order

No. 5/97/79-PHD-Anaesthetist

In partial modification of Government Order of even number dated 16-3-1982, Dr. (Miss) K. P. Kanekar is hereby posted at Primary Health Centre, Pernem instead of Primary Health Centre, Diu as Anaesthetist (Junior) on ad-hoc basis. Dr. (Miss) Kanekar will work in Asilo Hospital, Mapusa until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 14th May, 1982.

Memorandum

No. 5/34/81-PHD

The order of even number dated 7/10/1981 wherein Dr. (Mrs.) Rati Kamat was appointed on ad-hoc basis to the post of Eye Surgeon, under the Directorate of Health Services is hereby cancelled as the candidate did not report for duty by the prescribed date.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 14th May, 1982.

Corrigendum

No. 5/140/80-PHD

Read: Government Order No. 5/140/80-PHD, dated 2/7/1980, and Government Order of even No. dated 8-9-80.

The date of regular appointments of doctors appointed vide above referred orders are with effect from 1/4/1980 and not with immediate effect as stated therein.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 7th May, 1982.

Industries and Labour Department

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Industries and Labour).

Panaji, 27th April, 1982.

**IN THE LABOUR COURT GOA, DAMAN AND DIU,
PANAJI - GOA**

(Before Dr. Renato de Noronha, Presiding Officer)

Reference No. LCC/26/76

1. Shri M. Gopal Shetty and 19 others ... Applicants
V/s.
1. M/s. Hotel Shilpa ... Opponent
Applicants represented by Shri George Vaz, Labour Leader.
Opponent represented by it's partners.

Panaji. Dated: 16-4-1982

AWARD

This is an application filed by the above applicants against the above opponent, claiming from the latter their salary dues, as per the details given in the application, which details refer only to the amounts due to each of them, without further clarification.

2. The written statement of the opponent, which is signed by two of the partners, states, in short, as follows: That the opponent is a partnership firm consisting of three partners namely: 1) Shri V. Y. Sawant, 2) Smt. S. Sukaram Salgaoncar and 3) Smt. Sharayu Armando Pereira. The business of the firm, which is a restaurant, started on 5-9-1976 and by Order of the Civil Judge, S. D., Panaji, dated 25-9-1976 was closed, a receiver having been appointed to take charge of the opponents property. The receiver is Shri A. S. Dhund, Advocate. Since 25-9-1979 the opponent has not been carrying on any business. A civil suit has been filed by Shri V. Y. Sawant and Smt. S. Sakaram Salgaoncar against Smt. Sharayu A. Pereira and the relations of the two partners, on one side and the 3rd partner, on the other side, are strained. The opponent have denied that the applicants were employed at any time or that they are entitled to receive wages from the opponent. None of the workmen were ever appointed in the said restaurant as from 1-9-1976. A Schedule giving the name and designation of the employees, the date of joining, the salary payable, the advances received, the amount due to each as on 25-9-1976 etc. has been filed. At no stage the applicants were in the employment of the opponent from 5-9-1976 to 25-9-1976. When the Labour Inspector had visited the restaurant on 16-9-1976 he was supplied with a list of all the workmen working in the said restaurant with details regarding salaries and from this list it is clear that there were 12 labourers working on that date. The applicants are sought to be protected by the 3rd partner, Smt. S. A. Pereira, who is instigating them to make exorbitant claim as against the other two partners out of hostility and with the view to cowdown these opponents to her demands. Some of the records relating to accounts including that of workers have been illegally detained by Smt. S. A. Pereira. Since these two opponents admit that in the case of some of the employees there are dues amounting to Rs. 151-42, they are ready to share it in proportion of 1/3rd each.

3. In their rejoinder, the applicants refute the allegations made in the written statement of the opponent and state that they were appointed and kept ready on 1-9-1976, although the restaurant was inaugurated on 5-9-1976 and the list filed is incorrect specially regarding the amounts said to have been advanced and also regarding the pay promised to them.

4. As the written statement was signed only by two of the partners of the opponent, in view of the application dated 25-2-1977 of the applicant's representative, Smt. S. A. Pereira was also specially served with notice, but she did not file any written statement.

5. Issues were framed by the then Presiding Officer, Dr. Coelho and they read as follows:

1) Does the applicant prove that all of them have worked for the period upto 25-9-1976 when the Hotel was closed down and are entitled to receive the amounts shown below against their individual name:

1) Vishnu Shirodkar	250-00
2) Masukala	250-00
3) Devdas T. Pai	150-00
4) Raju Rajendra Naidu	80-00
5) R. P. Gavas	80-00
6) Kashinath V. Naik	200-00
7) Samba Naik	150-00
8) V. S. Malvankar	150-00
9) Anthony Rodrigues	150-00
10) M. Gopal Shetty	120-00
11) Arun Shirodkar	120-00
12) Gopal Ratekar	120-00
13) Shamsundardas Shetty	120-00
14) Beasaji Patilar	80-00
15) Namdev Gavde	50-00
16) Sagun Vadkal	50-00
17) Vijay Somnath	50-00
17) Vijay Somnath	50-00
18) Vassanti Gauvde	50-00
19) Subabai	75-00
20) Pundalic Lugade	95-00

2) Does the opponent prove that the Applicants worked during the time shown in the Schedule attached to and are entitled to the amounts shown against their individual names in above schedule?"

6. The only evidence led consists of the statement of Shri Francis X. D'Cruz, Labour Inspector, who has confirmed his signature on the Inspection Memo (Page 1 & 2) of Exh. W-1, which was shown to him. He has not confirmed page 3 (list of workmen working in Hotel Shilpa) as it is not in his handwriting, nor does it have his signature. He has stated that he would confirm page 3 only after looking into the office copy. This office copy, however, could not be traced out. Since the applicants claim has been denied by the opponent, it was for the applicants to prove that at the relevant time, they were working with the opponent and, therefore, entitled to the salary claimed. However, no evidence has been led by the applicants in this connection. Hence, I pass the following order:

ORDER

This application is dismissed. No Order as to costs.

Dr. Renato de Noronha
Presiding Officer
Labour Court.

**IN THE INDUSTRIAL TRIBUNAL
GOA, DAMAN AND DIU, PANAJI - GOA**

(Before Dr. Renato de Noronha, Presiding Officer)

Reference No. IT/10/82

1. Shri Raghuvir Rane — Party I/Workman
V/s.
1. M/s. Goa Metals Casters Pvt. Ltd. — Party II/Employer

Panaji, dated 19-4-1982.

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman & Diu, by it's Order No. 28-24/81-ILD, dated 20th January, 1982, for the adjudication of a dispute bet-

ween the above parties. The Schedule annexed to the Order of reference reads as follows:

"Whether the action of the employer of M/s. Goa Metal Casters Pvt. Ltd., Ponda, Goa in terminating the services of Shri Raghuvir Rane, is legal and justified?

If not, to what relief the workman is entitled to?"

2. Notice was served on the workman to file his statement of claim. On the date fixed, both the parties appeared before the Tribunal and filed a joint memo of amicable settlement, praying that a consent award be passed accordingly.

3. I have perused the memo of settlement, which deals not only with the case of the workmen concerned in this reference but also with the cases of other workmen who also had their grievances towards the Company. The settlement filed is just and fair in so far this workman in concerned, because he has been reinstated in service, with continuity, and full back wages. Hence, I accept it and pass the following Order:

ORDER

Consent Award in terms of the Memo of Settlement filed by the parties, which shall form part of this Award, is hereby made. No order as to costs.

(Dr. Renato de Noronha)

Presiding Officer,
Industrial Tribunal.

Memorandum of settlement under Section 2(p) read with Section 18(1) of the Industrial Disputes Act, 1947 between the Management of M/s. Goa Metal Casters Pvt. Ltd., Panaji and their workmen represented by the Goa Trade & Commercial Workers' Union, Assonora Bardez Goa on 22nd February, 1982

REPRESENTING THE PARTIES

For management:

For workmen:

1. Shri Satish Gupta,
Works Manager,
Goa Metal Casters
Pvt. Ltd.,
Panaji - Goa.
2. Shri P. J. Kamat,
Advocate & Labour
Consultant,
Panaji - Goa.

1. Shri George Vaz,
General Secretary,
Goa Trade & Commercial
Workers' Union.
2. Shri Christopher Fonseca,
President, Goa Trade &
Commercial Workers'
Union.
3. Shri Raghuvir Rane,
Secretary of the Workers'
Local Committee of Union.
4. Shri Tulshidas Gad,
Member.
5. Shri Mohan Mone,
Member.
6. Shri Babani Chari,
Member.
7. Shri Subhash Fadte,
Member.

SHORT RECITAL

The Goa Trade & Commercial Workers' Union, Assonora Goa (hereinafter referred to as the Union) under their letter dated 10-8-1981 raised an industrial dispute regarding the alleged dismissal of Shri Raghuvir Rane by M/s. Goa Metal Casters Pvt. Ltd., Panaji (hereinafter referred to as the management) before the Conciliation Officer, Panaji and requested for intervention. On 7th August, 1981 the Union had raised an industrial dispute in respect of dismissal of services of Shri Raghuvir Rane before the management and issued a strike notice. The matter was taken up by the Conciliation Officer and discussions were held on 17-8-1981 and 26-8-1981 and pending further discussions the workers went on strike with effect from 27-8-1981.

The matter was again discussed before the Hon'ble Labour Minister on 31-8-1981 but no settlement could be reached. Thereafter the management declared a lock-out with effect from 2-9-1981 and the same was lifted on 10-2-1982. During this period discussions were held with the Union and as a

result of prolonged discussions the following settlement is reached, the terms of which are as under:—

TERMS OF SETTLEMENT

1. It is agreed between the parties that Shri Raghuvir Rane, who was dismissed with effect from 6-8-1981 will be re-instated back in service without back wages but with continuity in service. It is further agreed between the parties that no action will be taken against any of the workmen, whether charge-sheeted or not, in the best interest of harmonious relations and industrial peace.

2. That the workmen will resume work on 27th February, 1982 in the general Shift. It is further agreed that such of the workmen who fail to report by 27-2-1982 will be given time to join till 21st March, 1982 and in case the workmen do not report till 21-3-1982 it will be presumed that they have resigned from the services.

3. It is agreed between the parties that no wages shall be paid to the workmen for the period of strike and lock-out. However, the management, as a gesture of goodwill, will pay Rs. 500/- (Rupees five hundred only) to each of the twenty one permanent workmen, as per Annexure A to this settlement, on or before 15th March, 1982. It is further agreed that out of the above amount of Rs. 500/-, an amount of Rs. 200/- only will be recovered in easy instalments within a period of eight months and the balance amount of Rs. 300/- shall not be recovered at all.

4. The management agrees to pay the salary of the month of August, 1981 on or before 7th of March, 1982.

5. It is agreed between the parties that the discussions on Charter of Demands dated 18-12-1981 shall be taken up in the second week of April, 1982 or one month after the 'high tension electric connection' is given by the Department of Electricity, Govt. of Goa, Daman & Diu, whichever is earlier.

6. It is agreed between the parties that the parties shall file a copy of this settlement with the Presiding Officer of the Industrial Tribunal, Goa, Daman & Diu, Panaji in Reference No. IT-10 of 1982 and pray for a consent Award in terms of this settlement.

7. It is further agreed between the parties that three copies of the settlement shall be filed before the Labour Commissioner and Conciliation Officer, Govt. of Goa, Daman and Diu, Panaji for Registration under the provisions of the Industrial Disputes Act, 1947 and Rules thereunder.

8. It is agreed between the parties that the workers shall give the fullest co-operation to achieve the maximum production. The management also agrees to look into the grievances of the workmen from time to time.

9. Both the parties agree to file compliance report on or before 30th April, 1982.

10. Both the parties agree to forget the unpleasant past.

SIGNATURE OF THE PARTIES

Sd/-
(Satish Gupta)
Works Manager

Sd/-
(P. J. Kamat)
Advocate & Labour
Consultant

Sd/-
(George Vaz)
General Secretary

Sd/-
(Christopher Fonseca)
President

Sd/-
(Raghuvir Rane)

Sd/-
(Tulshidas Gad)

Sd/-
(Mohan Mone)

Sd/-
(Babani Chari)

Sd/-
(Subhash Fadte)

WITNESSES

1. Sd/-

2. Sd/-

ANNEXURE A TO THE SETTLEMENT

List of 21 (Twenty one) permanent workmen who are entitled for the amount as mentioned under Clause (3) of the settlement

1. Shri Jayakumar Mani
2. Shri Mohan Mone
3. Shri Keshav Gurav
4. Shri Tukaram Gaunkar
5. Shri Gaffor Sheikh
6. Shri Suresh Kotharkar
7. Shri Kiran Kamat
8. Shri Mahadev Gaunkar
9. Shri Raghuvir Rane
10. Shri Ramnath Naik
11. Shri Vasant Shetkar
12. Shri Tulshidas Gad
13. Shri Subhash Phadte
14. Shri Shrikant Naik
15. Shri Shantaram Chari
16. Shri Babani Chari
17. Shri Krishna Chinchonkar
18. Shri Ramrao Sejwal
19. Miss Mohini Naik
20. Miss Prema Gaude
21. Miss Kamali Rathod

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Industries and Labour).

Panaji, 24th April, 1982.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI GOA

Reference No. IT/33/78

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

1. Workman, Husseinamma Nadaf & 19 others, represented by The Goa Trade & Commercial Workers Union. — First Party
V/s.
1. M/s. Matches Goa Pvt. Ltd. — Second Party
Shri George Vaz, Union Leader, representing the Workmen
Shri K. N. Rao, Personnel Manager, representing the employer.

Panaji, Dated: 14-4-1982

AWARD

The Govt. of Goa, Daman and Diu, by its Order No. IRM/CON/(155)/76-IT/17/78, dated 22nd May, 1978, has referred to this Tribunal for adjudication the dispute described in the Schedule annexed to the Order, which reads as follows:

"Whether the action of the Management of M/s. Matches Goa Pvt. Ltd., Curti Ponda (Goa), in terminating the services of the following workmen with effect from 16-10-76 is legal and justified?

If not, to what relief the concerned workmen are entitled to?"

1. Husseinamma Nadaf
2. Smt. Lalbi Nadaf
3. Smt. Yollawwo Kurbar

4. Smt. Mahalingawwa Sajjan
5. Smt. Kenchanwwa Montuguari
6. Smt. Ladamma Nadaf
7. Smt. Maria Gomes (Sebastian)
8. Smt. Allamma Nadaf
9. Shri Besant Cowda Kolour
10. Shri Chandsab Nadaf
11. Shri Namdev Gaokar (Sancordekar)
12. Shri Bassappa Khandomana
13. Shri Nayasab Nadaf
14. Shri Lalsab H. Nadaf
15. Shri Shankar Waddar
16. Shri Bassappa Kalsoor
17. Shri Giriappa Sajjan
18. Shri Dewiasab Nadaf
19. Shri Malicamma Nadaf
20. Shri Laxman Patil

2. Notice was served on both the parties. The workmen, who were represented by Shri George Vaz, asked for various adjournments to file his statement of claim, but finally failed to file it. The employer too did not file any statement. On the last occasion, none of the parties remained present.

3. Since none of the parties appeared before this Tribunal to put forth their claim, it seems that they are no more interested in this dispute. On my part, in the absence of any statement filed by the parties, I am unable to answer to the reference in one way or the other. This reference, therefore, stands disposed off.

Dr. Renato de Noronha

Presiding Officer,
Industrial Tribunal.

IN THE LABOUR COURT, GOA, DAMAN AND DIU PANAJI - GOA

Reference No. LCC/2/77

(Before Dr. Renato de Noronha, Presiding Officer)

1. Ramdas Kodkani — Applicant
V/s.
1. M/s. Sahyadri Transport — Opponent
Applicant represented by Shri N. J. Rebelo.

Panaji, Dated: 14-4-1982

AWARD

The above applicant filed this application, initially against M/s. Sahyadri Roadways, claiming the sum of Rs. 4,206/- of which Rs. 2,750/- are his wages from September, 1975 to July, 1976, at the rate of Rs. 250/- per month, and Rs. 1,456/- as daily allowance, at the rate of Rs. 8/-, with effect from January, 1976 to July, 1976.

2. It is his case that he was in service of the opponent/ Employer from 18-4-1974 to 30-7-1976 as a driver and in charge of the trucks Nos. GDT 6888, 8639, 8809 and 8471 and has not been paid of his wages and daily allowances for the period above mentioned.

3. Notice was served to M/s. Sahyadri Roadways, but nobody remained present on behalf of this Company. Fresh date was given and fresh notice issued, but this time the notice was returned unserved with the postal remark "Office closed since six months, return to sender". Sometime after, the applicant filed another application stating that Sahyadri Roadways are the agents of Sahyadri Transport Company; that the applicant was working for Sahyadri Transport Company; and it is this Company that owes him wages as mentioned above and praying that the name of Sahyadri Roadways be substituted by Sahyadri Transport Company, Costi Mines, which request was granted by the Court, by its Order dated 5-8-1977. Notice was issued to the opponent, but returned unserved. The applicant then filed an application giving the names of the two partners of the opponent and the address of one of the partners only, namely Smt. Shalinibai V Chowgule, who is said to be the prominent managing partner. Accordingly, notice was issued to her

and she was duly served. Later, the case was adjourned several times. Finally, Smt. Shalinibai V. Chowgule submitted an application, dated 18-3-1980, stating that she was never concerned with Sahyadri Roadways as partner or in any other capacity and, regarding Sahyadri Transport Company Pvt. Ltd., she was a partner upto 31-8-1975 and ceased to be a partner from 1-9-1975; as such, she is not concerned with the applicant's claim and, therefore, be dropped from the proceeding.

4. On 27-5-1980, the opponent Company filed its written statement stating that the applicant was never an employee of M/s. Sahyadri Transport Company and, therefore, the application should be dismissed as not maintainable against the company.

5. The following two issues were framed by the then Presiding Officer, Dr. Coelho:

1. Does the Applicant prove that he is entitled to recover from the opponent the following amounts of his wages:

1. Unpaid Wages from September, 1975 to July, 1976 @ Rs. 250/- p.m.	Rs. 2750.00
2. Unpaid daily allowances @ Rs. 8/- per day from January, 1976 to July, 1976	Rs. 1456.00
Total	Rs. 4206.00

2. Does the Opponent prove that at no time the Applicant was its workman?"

6. The applicant filed his list of witnesses, but, at the time of hearing, did not lead any evidence inspite of several adjournments sought by his representative. On the other side, the Opponent's representative led the evidence of Shri L. C. Rao, who is looking after the affairs of the Company since October 1975. This witness has produced the pay sheets of the staff for the period from September, 1974 to June, 1975 and August 1975 (Exh. 0-1) and also the Muster Register for the period upto May 1975 (Exh. 0-2) to show that the name of the applicant does not appear either in the pay sheet or Muster Register. He has also further produced the copy of the statement of claim filed by All Goa General Employees Union in reference No. IT-GDD/36/75 and of the Annexure attached to it containing the list of employees with their designation etc. (Exh. 0-3) to show that, in this list too, the name of the applicant does not appear.

7. Since it was for the applicant to prove that he was the employee of the opponent during the relevant time and since he has failed to lead any evidence in this respect; and since the opponent, on its side, has led evidence to prove that the applicant is not shown in the registers of the opponent as its employee, this application is liable to be dismissed.

8. Hence, I pass the following Order.

ORDER

The application is dismissed. In the circumstances of the case, I leave each party to bear its own cost.

Dr. Renato de Noronha
Presiding Officer,
Labour Court.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Presiding Officer)

Reference No. IT/2/82

1. Shri Mohomed Gaus Paret — Party I/Workman
V/s.
1. M/s. Regal Stores — Party II/Employer

Panaji Dated: 16-4-1982

AWARD

The Government of Goa, Daman and Diu, by its Order No. 28/16/81-ILD, dated 28th January, 1982, has referred

for adjudication by this Tribunal a dispute between the above parties. The Schedule attached to the order of reference reads as follows:

"Whether the action of the employer Shri Mohan M. P. Gajara, Proprietor of M/s. Regal Stores, New Market, Margao, Goa, in terminating the services of Shri Mohamed Gaus Paret, C/o. Shri Custodio Vaz, P.O. Navelim, Firgulem, Salcette-Goa, a baker with effect from 1-7-80 is legal and justified? If not what relief, if any, is the workman entitled to?"

2. Notice was issued to the workman (Party I to this reference) to file his statement of claim but the notice was returned with the postal remark "Left, address not known, return to sender". The employer Party II failed to remain present, although duly served. A fresh attempt was made to get the notice served on the workman, but this notice too was returned by the Post Office with similar remark. The employer, although served, did not remain present.

3. Since none of the parties appeared before this Tribunal to put forth their claim, it seems that they are no more interested in the dispute. On my part, in the absence of any statement filed by the parties, I am unable to answer to the reference in one way or the other. This reference, therefore, stands disposed off.

Dr. Renato de Noronha

Presiding Officer,
Industrial Tribunal

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Presiding Officer)

Reference No. IT/32/78

1. Shri Laxman Patil, represented by the
Goa Trade & Commercial Workers Union — First Party
V/s.
1. M/s. Matches Goa Pvt. Ltd. — Second Party

Panaji, Dated: 14-4-1982

Shri George Vaz, Union Leader, representing the Workman.
Party I.

Shri K. N. Rao, Personnel Manager, representing the Employer.

AWARD

The Government of Goa, Daman and Diu, by its Order No. IRM/CON(156)/76-IT-18/78, dated 22nd May, 1978 has referred to this Tribunal for adjudication the dispute described in the Schedule annexed to the Order, which reads as follows:

"Whether the action of the Management of M/s. Matches Goa Pvt. Ltd., Curti, Ponda, Goa, in terminating the services of Shri Laxman Patil, w.e.f 1-10-76 is legal and justified?

If not, to what relief the concerned workman is entitled to?"

2. Notice was served on both the parties. The workman, who was represented by Shri George Vaz, asked for various adjournments to file his statement of claim, but finally failed to file it. The employer too did not file any statement. On the last occasion, none of the parties remained present.

3. Since none of the parties appeared before this Tribunal to put forth their claim, it seems that they are no more interested in this dispute. On my part, in the absence of any statement filed by the parties, I am unable to answer to the references in one way or the other. This reference, therefore, stands disposed off.

Dr. Renato de Noronha

Presiding Officer,
Industrial Tribunal

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 10th May, 1982.

**IN THE INDUSTRIAL TRIBUNAL GOA,
DAMAN AND DIU, PANAJI - GOA**

(Before Dr. Renato de Noronha, Presiding Officer)

Reference No. IT/1/76

1. Shri Suresh M. Talwalkar — 1st Party
V/s.
1. M/s. I. A. Gonsalves — 2nd Party
Workman/Party I represented by Adv. H. R. Bharne.
Employer/Party II represented by Adv. Gopal Tamba.

Panaji: Dated: 14-4-1982

AWARD

This is a reference made by the Government of Goa, Daman and Diu, by its Order No. CLE/1/ID(123)/74/IT-30/75/24, dated 2nd January, 1976, which in the Schedule attached to it, reads as follows:

"Whether the action of the Management if M/s. I. A. Gonsalves & Co. Panaji (Goa) in dismissing Shri Suresh M. Talwalkar from services with effect from 7th May, 1974, is legal and justified?

If not, to what relief the workman is entitled to?"

2. The workman, in his statement of claim, has contended that the employer prevented him from resuming duties from 7-5-74 and, therefore, he raised an Industrial Dispute on 5-7-74 for his reinstatement with back wages. During the conciliation proceedings before the Asstt. Labour Commissioner, the employer's case was that the workman had abandoned the services, but he agreed to conduct an inquiry for certain acts of misconduct and, in fact, a charge sheet was served on him on 8-8-74, which was followed by a domestic inquiry. Thereafter, the employer, by its Order dated 5-2-1975, dismissed the workman with retrospective effect from 7-5-1974, in view of the findings of the Inquiry Officer holding him guilty of the offences charged with. It is submitted that the dismissal order dated 5-2-1975 is ex facie void and illegal, because of its retrospective effect; the findings of the Inquiry Officer are perverse, being contrary to the evidence on record and also based on no legal evidence; the inquiry is not fair and proper, in as much as the audit report was not made available to the workman at the time of the Inquiry, although demanded by him; the Inquiry Officer ought to have stayed the Inquiry Proceedings in view of the pending criminal case and ought to have considered the decision given by the criminal court on merits; the Inquiry Officer, while conducting the inquiry, failed to observe the principles of natural justice, did not apply his mind to the evidence on record and his entire approach was biased against the workman; the past record of the workman was not considered, the punishment of dismissal imposed is disproportionate and, therefore, the dismissal amounts to victimization and unfair labour practice; in any event, the employer is bound to pay wages to the workman from 7th May to 5th February, 1975, date of dismissal and the dismissal, being illegal, the workman is entitled to be reinstated with full back wages, as he is unemployed since then.

3. The employer, in its written statement, contends that the workman was properly dismissed, after a fair enquiry in which adequate opportunity was given to him to defend himself and also past record of the workman considered; the findings of the Inquiry Officer are based on the evidence on record, to which the Inquiry Officer has duly applied his mind; the allegation of victimization and unfair Labour Practice is baseless and false; the employer is not bound to pay wages to the workman from 7/5 to 5/2 as the workman

voluntarily abandoned the work without any intimation to the Company; his allegation that the Company prevented him from resuming duties is false.

4) The following issues were framed:

- "1. Is the order dated 5-2-1975 dismissing Shri S. M. Talwalkar with retrospective effect legal and proper?
2. If not, what reliefs?
3. Whether the finding of the Inquiry Officer is perverse and not based on the evidence on record?
- 3A. Is the domestic inquiry fair, proper and legal?
4. Is the order of dismissal fair, reasonable and proper?
5. Is the workman entitled to the relief of reinstatement?
6. If not, what other reliefs?
7. Is the workman entitled to back-wages?
8. What quantum?"

5. Both the parties filed their list of evidence. At the time of hearing, since the employer and his advocate were remaining absent, the case proceeded ex-parte. Evidence of the workman was recorded and he has produced Exhibits W-1 to W-12. As the employer did not lead any evidence, the matter was argued by the workman's representative and now is before me for passing Award.

6. I shall deal first with the fairness of the domestic inquiry, held by the employer. It is an admitted fact that the workman was working for the employer and was dismissed on 5-2-1975 with effect from 7-5-74. It is also common ground that the employer held an inquiry against the workman and, in this inquiry, the Inquiry Officer held the workman guilty of the offences charged with. However, the Inquiry Proceedings were not exhibited in this case by the employer. The workman's contention, which has gone unchallenged in the absence of cross examination, is that the domestic inquiry held by the employer against him is not fair and proper, in as much as the copy of the audit report, on which the charge of mis-appropriation was based, was not supplied to him, in spite of his request, and the inquiry officer, while conducting the inquiry, did not observe the principles of natural justice. Besides, it is alleged, there are errors on the face of record, the findings arrived at are contrary to the evidence on record and also based on no legal evidence; the inquiry officer did not apply his mind to the evidence on record and his entire approach is biased against the workman.

8. Since the Inquiry Proceedings have not been exhibited in this case and the employer also did not lead any evidence, I have to accept the workman's contention that the inquiry held against him is unfair and improper, as the copy of the audit report which was essential to him to make his defence, was not supplied to him. Regarding the allegation of violation of Principles of natural justice while conducting the inquiry, the workman has not specified the facts which would go to prove this contention.

9. Exh. W-5 is the copy of the Charge Sheet issued to the workman, in which the following two charges were framed against him:

"A) Act of cheating/theft/and/or fraud on the property belonging to the Company.

B) Habitual absence without permission and unauthorised absence from 7th May, 1974 to 25th June, 1974."

From the context of the charge sheet it is seen that charge A was based on the audit report. Exh. W-8 is the letter dated 14-10-1982, addressed by the workman to the employer, requesting him to supply him immediately the copy of the audit reports for the years 1972-73 and 1973-74, as he required them for the purpose of defending his case in the domestic inquiry. This letter was received by the employer on the same day, as it is shown from the endorsement on the foot of the said letter. It was replied by the Management on 16-10-1979 (Exh. W-9). In this reply, after acknowledging the receipt of the letter (Exh. W-8), it is stated: "suitable reply will be given to you by post, if found relevant to the case." This letter, which was sent by Regd. Post, was received by the workman on 19-10-1974, as per the endorsement on the foot of the said letter. As the contention of the workman that he never received the audit report has gone unchallenged and since the copy of the audit report was essential for the workman to meet the charge A, regarding misappropriation framed against him, it is obvious that, at least on this count, the domestic inquiry held by the employer is unfair and

in violation of the principles of natural justice and, therefore, the said inquiry has to be ignored.

10. Regarding the other charge, as the employer did not exhibit the inquiry proceedings and the findings of the inquiry officer, we are unable to decide whether or not the said charge has been proved against the workman. We have, therefore, to consider only the evidence led before this tribunal in order to see as to whether the charges levelled against the workman by the employer are proved or not.

1. In so far charge A, regarding Cheating/Theft/ Fraud, is concerned, there was a criminal case pending against the workman and the latter was acquitted by the magistrate by his judgement dated 1-12-1976 (Exh. W-7), on the ground that there was no evidence to show that the amount in question was ever entrusted to the workman accused and misappropriated by him. In this Tribunal also, the audit report, on which the charge is based, has not been produced nor any evidence led by the employer to prove the said charge. I hold, therefore, that the employer has not been able to prove the first charge.

12. Regarding the second charge, it refers to habitual absence without permission and unauthorised absence from 7-5-74 to 25-6-74. It is specified in this charge that during the year 1973-74 (Year end 31-3-74) the workman remained absent without permission for 43 days in a year; in the month of April 1974, the workman remained absent for 2 days and from 7-5-1974 he has remained absent till 25-6-74 without permission.

13. In his reply to the charge sheet (Exh. W-6), the workman has stated that he might have remained absent for 43 days during the year 1973-74 and for a period of 2 days in the month of April, 1974, but it was after obtaining the necessary permission/authorisation from the Management, and regarding his absence from 7-5-1974 onwards, he has denied it as false. His stand in the said reply to the charge sheet as well as in the evidence given before this tribunal is that, when he reported for duty on 6-5-74, he was informed by Shri Mathias Gonsalves, one of the partners, that he was no more required from 7-5-1975, without assigning any reason for his dismissal; from 7th he went every day to the company to report for duty, but was not allowed to enter the premises; he contacted Shri Leandro Gonsalves at his residence and the latter told him to come on the next day to the shop and remain there and he would come and admit him; however, he did not come, although the workman went to the shop continuously upto the 14th of that month. Shri Mathias Gonsalves, who was in the shop, objected to his presence. On the 15th, when he saw that Shri Mathias was not there, he entered the shop and signed the muster roll and started working, but, after sometime, Shri Mathias came there and threatened him and put him out of the shop. Exh. W-1 which is the muster roll of the Company, shows that on 15-5-74, the workman had signed the muster roll and his signature is struck off. He went to the shop till 24-6-74 and after unsuccessfully trying various ways to get back to his job, he wrote a letter dated 25-6-74 to the Management. In this letter, he has complained to the Management that he is not being allowed to join the duties for 42 days without assigning any reason and requesting the company to make it clear to him about his absence and service with the company within 4 days. This letter, according to the workman, was not replied by the Company.

14. From the above statement of the workman and the exhibits produced, it is clear that the workman was prevented by the company from resuming his duties without assigning any reason and, therefore, it cannot be said that he remained absent from 7-5-74 onwards without permission/authorisation.

15. Since none of the charges framed against the workman have been proved by the Management the Order of dismissal dated 5-2-75 (Exh. W-10) passed by the employer against the workman cannot stand and, hence, it is set aside. The workman has contended that for all this time he is not employed. The contention of the employer in the written statement that the workman was seen in the streets selling lottery tickets, fruits etc. is denied by the workman and has not been proved by the employer.

16. In view of all that has been stated above, I pass the following Order:

ORDER

The dismissal Order dated 5-2-75 passed by the employer against the workman is hereby set aside. The employer is directed to reinstate the workman with continuity of service

and full back wages and other allowances to which he is entitled. While computing the back wages, the amount directed to be paid to the workman by order dated 29-5-79 Exh. W-12 may be considered, in case the payment, as directed by the order, has already been made. Costs of Rs. 200/- to be paid by the employer to the workman.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal

Notification

No. 25/21/79-ILD

Whereas in the opinion of the Administrator of Goa, Daman and Diu, the rules of the provident fund of the establishment of M/s. Goa Carbon Limited, St. Jose de Areal, Curtorim, Salcete, Goa and its registered office at Campal, Panaji, Goa are not less favourable than those of the Employees Provident Fund Scheme, 1952 and the employees of the said establishment are in enjoyment of the benefits of the said provident fund rules which are not less favourable to the said employees than those of the said scheme.

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Employees Provident Fund and Miscellaneous Provisions Act, 1952 (Act No. 19 of 1952), the Administrator of Goa, Daman and Diu hereby exempts the said establishment, from the operation of all the provisions of the said scheme.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. B. Shukla, Secretary (Industries and Labour).

Panaji, 10th May, 1982.

Finance Department (Revenue and Control)

Notification

No. 5/4/82-FIN (RC)

In exercise of the powers conferred by section 10A of the Goa, Daman and Diu Sales Tax Act, 1964 (No. 4 of 1964), the Government of Goa, Daman and Diu having considered that it is necessary to do so in the public interest, hereby exempts from the payment of sales tax, levied under the said Act in respect of sales of T. V. sets manufactured by any dealer within the Union territory of Goa, Daman and Diu, for a period of five years from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Finance).

Panaji, 13th May, 1982.

Law Department (Establishment)

Order

No. 3-5-82/LD

In exercise of the powers conferred by sub-section (3) of section 24 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the Lieutenant Governor of Goa, Daman and Diu hereby appoints S/Shri Afonso Araujo and M. C. Jethani, Assistant Public Prosecutors, as Public Prosecutor and Additional Public Prosecutor, for the District and Sessions Court, Panaji and Additional Sessions Court, North Goa Sessions Division, Mapusa, respectively.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

R. V. Durbhatkar, Under Secretary (Law).

Panaji, 13th May, 1982.

Notification

No. 4-25-81/LD

The following Notification No. 1/ADM/TRI/82-F-71 dated 30-4-1982 from the Chairman, Administrative Tribunal, Panaji is hereby published for general information.

R. V. Durbhatkar, Under Secretary (Law).

Panaji, 7th May, 1982.

Administrative Tribunal

Notification

No. 1/ADM/TRI/82-F-71

In exercise of the powers conferred on me by sub-sec. (6) of Section 5 of the Goa, Daman and Diu Administrative Tribunal Act, 1965, as amended by the Goa, Daman and Diu Administrative Tribunal (Amendment) Act, 1980, dated 21-1-1981, I hereby direct that when the Tribunal is not

sitting either as a whole or in Benches and the Chairman as well as the Member of the Bench concerned are absent on leave or otherwise unable to discharge their duties, any application for stay of proceedings or execution of appealable orders or any supplemental proceedings be placed before the Member of the other Bench as per the distribution of the work done under Notification No. 1/ADM/TRI/81-F-71 dated 7-2-1981 and he shall deal with such application or proceedings and pass such orders as he deems fit.

Provided that whenever any such order has been passed, it shall be placed before the concerned Bench of the Tribunal at its first sitting after the passing of the said order and that Bench may, after hearing the parties concerned, confirm, modify or set aside the Order.

Provided further that nothing shall prevent any Member who has passed such order from taking part at such hearing on the ground that the order has been passed by him.

Dr. J. J. Coelho

Chairman
Administrative Tribunal.

Panaji, 30th April, 1982.

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